

FREQUENTLY ASKED QUESTIONS

The following are frequently asked questions about the Environmental Enhancement and Mitigation Program (EEMP) and the Natural Resources Agency's responses.

1. Last year, we submitted an application but did not receive funding. We have improved our proposal and would like to resubmit it this cycle. What do we need to do?

The proposal may be resubmitted. When it is resubmitted, it will be considered as a new proposal and compared to those applications received in the current grant cycle. Applicants must submit an original and seven copies of the complete application package. The proposal must be fully updated, including all project information, the application form, and the resolution. The same Related Transportation Facility can be used to qualify the grant project even if construction is now underway or completed, so long as all other eligibility requirements are met.

2. What types of transportation projects are considered "Related Transportation Facilities"?

Environmental Enhancement and Mitigation Program projects must be directly or indirectly related to the environmental impact of modifying existing transportation facilities or to the construction of new transportation facilities (please refer to questions no. 4 and 5 below for additional requirements). Transportation facilities (i.e., a public street, highway, mass transit guideway or their appurtenant features) must be:

- projects where modifying construction or new construction began after January 1, 1990;
- projects that are not yet under construction but are included in an adopted state transportation program or in a locally adopted and certified capital outlay program.

Where construction is undertaken in separate and distinct phases, each phase is considered as a separate project, provided that each phase yields an operable transportation improvement, i.e., a change in capacity, configuration, or traffic flow.

3. How can I find out if a transportation project is in an adopted state transportation program or a local capital outlay program?

This information can be obtained by contacting your local Caltrans district office, regional transportation agency, or local government.

4. Do all transportation facility projects that are a part of an adopted state transportation program or local capital outlay program qualify as "Related Transportation Facilities"?

Only those transportation facility projects that result in adverse environmental impacts will qualify for purposes of this grant program. In general, those projects that are strictly replacement construction or which fall into the category of "maintenance" would not qualify, while projects which involve a significant change in the capacity or configuration (i.e., change in the physical lay-out of the facility) would. For example, pavement resurfacing, repainting a bridge or a replanting project would not under most circumstances have an adverse environmental impact and would be considered maintenance. Additionally, a project such as constructing a sound barrier, which in itself mitigates an environmental impact, would not qualify.

In contrast, widening a highway, constructing a frontage road, or realigning a curve probably would have an adverse environmental impact and might qualify. Under other circumstances, there could be an instance where a transportation project is not required to provide CEQA mitigation but funding under this program might be feasible due to certain considerations (e.g., tree planting to offset the cumulative impacts of Related Transportation Facilities that received negative declarations or categorical exemptions). These examples are provided only as

general guidance. The Related Transportation Facility project contained in each proposal will be evaluated on a case-by-case basis.

5. If a transportation project requires mitigation, isn't the use of grant funds for related mitigation or enhancement projects duplicative?

Proposed projects under this grant program must provide mitigation or enhancement over and above that required for the Related Transportation Facility under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). For example, if a new highway runs through an area, which was once a local park, part of the mitigation for that transportation project might be the acquisition of land and development of a replacement park. However, an eligible enhancement project might be the securing of additional land to extend the park facility, based on justifiable need caused by the effect of the modified or new transportation facility.

6. Are bike trails eligible for funding under the Environmental Enhancement and Mitigation Program?

Yes. Bike trails are eligible under the category of Roadside Recreational Projects, provided all other relevant requirements are met. Conversely, bike trails are not considered "related transportation facilities" because they are intended to assist in getting people to use alternate transportation to those fueled by petroleum based products.

7. Does a roadside recreational project have to be adjacent to the roadway?

Yes. However, there may be exceptions. If we use the example of a replacement park, we can illustrate this point. Assume that there is no available land for park use adjacent to the new highway but that there is a suitable parcel in the general area that would allow for increasing the size of the park. This would be acceptable if it can be related to the adverse impacts of the transportation project.

However, of projects with relatively equal mitigation impacts, projects closer to the impact of the Related Transportation Facilities will be given a higher priority for funding.

8. What is meant by enhancement or mitigation projects that are "indirectly" related to transportation projects?

"Indirectly," as opposed to "directly," may be used in reference to the geographic location of an enhancement and mitigation project; that is, the project may not be in the immediate vicinity of the transportation project but in the general area.

"Indirectly" may also be used to characterize the type of benefits produced. Again, let's consider the park example in No. 7. The proposed park replacement project is indirectly related to the impacts of the new highway in that the park will be located about a half mile from the original park site but will serve the same population; it indirectly mitigates the impacts of the highway by providing an open and tranquil natural setting for recreational users. Scenic overviews and recreational trails would also probably have an indirect relationship to transportation projects.

It is the responsibility of the applicant to explain the cause and effect relationship between the impact of the transportation project and the proposed environmental project.

9. What are acceptable sources and required amounts for matching funds?

A cash funding match is not required in this program. However, projects are evaluated and given credit for other sources of cash contributions that are included in project cost estimates and budgets. In-kind/volunteer services

and donated materials are given credit under the Other Benefits and Community Support evaluation criteria and are viewed favorably as demonstration of local support for the project.

If other sources of cash provide some funding for the proposed project, any source is acceptable - local, state or federal government, other grants, and/or public or private funding. Such contributions would have the effect of increasing the environmental benefit to be obtained from the expenditure of state grant funds by increasing the total number of projects that can be funded from a limited appropriation. Additionally, funds from local sources would demonstrate the strength of local support and commitment. Funding for the Related Transportation Facility is not considered as a source of funding for the environmental project.

10. What is meant by "in-kind" and/or "volunteer" services?

These terms include services needed for the project and provided for the project without charge to the applicant or state. In-kind services include work performed by the applicant's organization but not claimed for reimbursement as part of the program grant. Volunteer services are those provided by individuals outside the applicant's organization.

11. Can I apply for funding for this grant cycle to undertake an enhancement and mitigation project related to a transportation project that will not begin construction until a later fiscal year? Conversely, can I apply in a subsequent fiscal year for funding to undertake an enhancement and mitigation project related to a transportation project that was initiated after January 1, 1990 and completed prior to submitting my proposal?

Yes to both questions. However, if the transportation project is not yet under construction, your proposal will not be as competitive as projects related to completed transportation projects.

Also, it may be difficult for a proposed grant project to demonstrate that it will provide mitigation, in addition to that required by CEQA, if the transportation project is not yet approved or underway. CEQA review for the transportation project must have been completed before the grant application is submitted.

Finally, if for some reason a transportation project is shelved, grant funding will not be provided and limited grant monies will have been unnecessarily withheld from other worthwhile projects.

12. What information do I need to provide concerning the mitigation required under CEQA for the Related Transportation Facility?

In order to establish that the proposed grant project affords mitigation over what is required under CEQA, the Resources Agency requires a concise but complete description of the mitigation required for the transportation project and the additional mitigation or enhancement to be funded under this program. You will need to submit a statement regarding the status of the environmental review process for the transportation project, a concise description of the mitigation requirements and the cause and effect relationship of the transportation facility's environmental impacts to the proposed enhancement project. (While excerpts from the Environmental Impact Report are appropriate, do not submit the entire transportation project EIR.)

13. Are authorizing resolutions and statements describing the organization's authority to carry out the proposed project required of all applicants?

Yes. All local government agencies and nonprofit organizations are required to submit authorizing resolutions and authority statements.

14. How does the requirement for a signed statement from the lead agency for the Related Transportation Facility apply if the lead agency is a local government entity?

A statement from the lead agency for the Related Transportation Facility is required from all applicants, using the form letter provided in the Application Packet, even if the grant applicant is the same entity as the transportation lead entity.

15. Are letters of support necessary?

Letters of support may be submitted but are not a critical factor in the evaluation. However, if endorsements are submitted, they should be included with the grant application. Please do not send in separately.

16. If environmental review is required for the proposed environmental enhancement and mitigation project, when does the review process need to be completed?

When you submit your proposal to the Resources Agency, you will need to indicate on the application form the type and status of environmental clearance for the proposed grant project. The Resources Agency expects to review all project proposals in the fall, and submit a list of recommended eligible projects to the California Transportation Commission for consideration in January. The Commission will issue a final list of approved projects in March. Before the Commission considers these projects, environmental review (CEQA) must have been completed. This means that the environmental review process must be completed and all final environmental documents, including categorical exemptions, submitted to the Commission in advance (**no later than February 28, 2011**) of the Commission's final awards in March. (See California Environmental Quality Act, especially the Public Resources Code, Section 21150).

17. When can work begin on an approved EEMP project?

Work can start once Caltrans and the applicant sign an Agreement. This is the third requirement in a three-step process: First, is the California Transportation Commission's vote to adopt the annual program, consisting of concept approval of selected projects from the Resources Agency's list of recommended projects, second is the CTC's vote to allocate grant funds for each approved project, which should occur at the time of adoption, and, third is the execution of the Agreement between the applicant and the State.

18. If we run into delays, how long can we postpone initiating construction without losing our eligibility for funding?

In order for a project to remain eligible for funding, all three steps outlined in No. 17 above must have occurred prior to the end of the state fiscal year during which the program was adopted by the CTC. For the FY 2009/10 cycle, this date is April, 2010. For applicants to receive reimbursement for approved project costs, Caltrans must receive invoices prior to April 30 of the 2nd fiscal year following CTC adoption, for the FY 2009/10 cycle that date is April 30, 2012.

If the applicant submits no invoices by one year of the signed agreement, the applicant must submit an official statement of project progress to Caltrans that provides solid assurances that the project will be completed prior to April 30, 2012. Solid assurance includes but is not limited to: project advertisement or firm advertisement schedule, entry into escrow for acquisitions, date project plans will be completed; date of receipt from a specified entity of other needed funding for the project, etc.

19. How much time is allowed to expend all grant funds?

All projects have three years in which to expend their funds. The clock starts when the governor signs the budget.

Typically, EEM Agreements would not be in place until late spring of the following year. All eligible reimbursable costs must occur after the Agreement is in place. The project's final invoice must be submitted by April 30 of 2012 to ensure full reimbursement. Invoices submitted after April 30 may be at risk for payment.

20. Will the program fund tree removal and replacement?

Yes, tree removal can be funded if necessary to the design of the project. But, a project that simply proposes to replace trees removed by the transportation or the environmental project on a one for one basis is not likely to receive as high an evaluation relative to other projects that propose to increase the overall number of trees.

21. Are palm trees eligible for funding?

Yes. But, because palm trees contribute very little to the uptake of carbon dioxide relative to other varieties of trees, projects consisting predominantly of palm trees are not likely to score well in certain technical criteria relative to projects proposing other tree varieties.

22. Can projects be proposed for more than one program category?

No. Only one category may be selected for each proposed project. However, all projects are evaluated and given up to five points credit under the "Other Benefits" criteria for benefits associated with other project categories.

23. Will the program fund projects that result in plans or handbooks, e.g. GIS mapping projects, bike lane plan development, best type of trees to plant in specified locations, and etc.?

No. The EEM Program is intended to pay for actual, on-the-ground projects that preserve, restore or improve habitat, create or improve recreational facilities, create or improve vegetation (especially trees) in specified locations, etc. There is no dispute that "planning" efforts frequently result in very useful information. It's just that they don't directly result in tangible environmental improvements.